

AFFIDAVIT OF NON-DEVELOPMENT

JAN PEST
MARSHALL County 11:43:35 AM
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Additional \$6.00

STATE OF WEST VIRGINIA
COUNTY OF MARSHALL, to-wit:

I, Paul Douglas Gray, of Harrison County, WV,
being of lawful age and being duly sworn, state that for the past 20 years I have been very
familiar with the use and occupancy of that certain tract of land described as follows, to wit:

Legal Description: Subject lands situate in the Liberty District, Marshall County, West Virginia, being
described as a 4.95 acre tract, more or less, Tax Map #17, Parcel 7.1 and a 0.3166 acre tract, more or less,
Tax Map #17, Parcel 7.2

The Lands were subject to the following Oil and Gas Leases (the "Leases"):

1. Oil and Gas Lease dated January 18, 1895, of record in Deed Book 49, at Page 143, from F.M. Gray and Jane Gray, his wife, to South Penn Oil Co., for a primary term of five (5) years.
2. Oil Lease dated June 29, 1897, of record in Deed Book 56, at Page 212, from F.M. Gray and Jane Gray, his wife, to T.L. Davis for a primary term of five (5) years.
3. Oil Lease dated June 29, 1900, of record in Deed Book 74, at Page 331, from F.M. Gray and Jane Gray, his wife, to T.L. Davis for a primary term often (10) years.
4. November 12, 1909 oil and gas production lease by and between Jason Gray and Mary E. Gray, his wife, as lessors, and The Wheeling Natural Gas Co., as lessee, of record in Deed Book 132, at Page 535. All of said lessee's real property and leases were assigned to The Manufacturer's Light & Heat Company by that instrument dated May 29, 1915, of record in Assignment Book 3, at Page 40. By that instrument dated May 29, 1915, of record in Deed Book 148, at Page 389, The Wheeling Natural Gas Company assigned the subject lease to The Manufacturers Light & Heat Company. By that instrument dated December 31, 1929, of record in Deed Book 197, at Page 120, the Manufacturers Light & Heat Company assigned the oil rights in the subject lease to Union Gasoline & Oil Corporation. By that instrument dated December 31, 1949, of record in Assignment Book 2, at Page 136, the Union Gasoline & Oil Corporation assigned the oil rights in the subject lease to the The Preston Oil Company. By that instrument dated December 31, 1951, of record in Assignment Book 2, at Page 225, The Preston Oil Company quitclaimed all of its right, title and interest in the subject lease to the Manufacturers Light & Heat Company. By those Articles of Agreement ("Lease Modification"), dated March 23, 1955, of record in Deed Book 299, at Page 494, re-recorded in Deed Book 309, at Page 66, by and between C.A. Gray and Kathryn Gray, his wife; Leona B. Hinkle and W.H. Hinkle, her husband; Melvin Postlethwaite and Hazel Postlethwaite, his wife; John F. Gray and Constance M. Gray, his wife; and Mary E. Gray, as Lessors, and The Manufacturers Light and Heat Company, a corporation, as Lessee, the terms of the Wheeling Natural Gas Co. were modified.

That I know of my own knowledge that no oil and/or gas is currently being produced under the terms of the aforesaid Leases upon any of the above described property; that to my knowledge no royalties are currently being paid pursuant to the aforesaid Leases on the above described property; and that I know to the best of my own knowledge that the aforesaid Leases have heretofore been abandoned, surrendered and otherwise terminated.

I further state that I know to the best of my own knowledge that no production of oil and/or gas is currently being produced pursuant to the aforesaid Leases on other property covered by said Leases, if any, or other property pooled or unitized therewith, if any.

Further Affiant sayeth naught.

Executed this 3 day of Feb, 2009

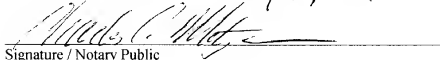


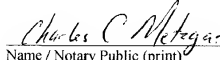
ACKNOWLEDGEMENT

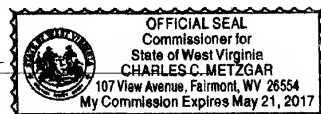
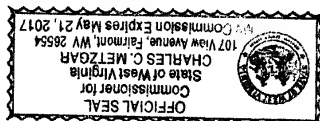
STATE OF WEST VIRGINIA }
COUNTY OF Harrison } SS:

On the 3rd day of February, 2009, before me personally came the above
named: Paul Douglas Gray, being person(s) known to me to be the
same person(s) described herein and who acknowledge having executed the foregoing instrument.

My commission expires May 21, 2017


Signature / Notary Public


Name / Notary Public (print)



County Recorder: Please return recorded document to Mason Dixon Energy, Inc., 101 Cambridge Place, Bridgeport, WV 26330

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing
date on the 3rd day of February, 2009, was presented for and by me, admitted to record in my office upon the
above certificate as to the parties therein named this 13th day of March, 2009 at 11:43 o'clock A.M.

TESTE:  Clerk.